THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 17964 OF 2005

12th DAY OF AUGUST, 2005

Between:

Sri Sitharamaswamyvari Devasthanam,

Etukuru village, Guntur Rural Mandal,

Guntur, rep. by its Managing Trustee

Petitioners

A n d :

The Assistant Commissioner of Endowments

Endowments Department, Guntur

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHRAM

WRIT PETITION NO. 17964 OF 2005

ORAL ORDER:

The petitioner challenges the Circular bearing Roc.No. A5/8885/05, dated 28.7.2005 issued by the respondent calling for applications for appointment of Trustees to Sri Sitharamaswamyvari Devasthanam, Etukuru Village, Guntur Rural Mandal, Guntur ('the Temple').

The petitioner states that the Temple was established by his forefathers with their own funds in 1912 and the petitioner succeeded to the position of Hereditary

Trusteeship. He is managing the Temple as the Managing Trustee. While so the respondent by proceedings dated 24.1.2002 appointed a single Trustee to the Temple and directed him to takeover the institution and its properties from the petitioner. The petitioner filed objections to it and also filed an application dated 18.4.2002 u/Sec.15 and Proviso to Sec.17(1) and 17(3) of the AP Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') on which an enquiry was ordered and is pending. While the enquiry is so pending, the respondent appointed a Manager to the Temple by his order dated 25.6.2004. The petitioner challenged those proceedings before this court in WP No. 11923/2004. This court by an order dated 14.7.2004 suspended the order dated 25.6.2004. Now the respondent has again notified calling for applications for appointment of a Board of Trustees. The petitioner states that the earlier proceedings appointing a Manager having been stayed by this court, the respondent could not have issued the impugned notification.

The petitioner made an application to the respondent on 5.9.2003 for recognition as a member of the founder's family for the benefit of consideration for appointment as the Managing Trustee. According to the petitioner in view of the law declared in ***Pannalal Bansilal Patil and others v State of Andhra Pradesh and another ()*** the member of the founder family should be considered for heading the Board of Trustees or even be considered for appointment as a single Trustee in exercise of discretion of the competent authority under proviso to Sec.15 of the Act. The earlier order of the respondent which has been stayed by this court is an order dated 25.6.2004 appointing a Manager to the Devasthanam. It is not appointment of a Trustee. No appointment of trustee has earlier been made. The impugned notice/circular of the respondent now calls for applications. The notice impugned in this writ petition specifically states that persons recognized as founder trustees may also send applications. The application of the petitioner for being recognized as a founder trustee or a member of the founder family is pending consideration by the respondent.

In the aforesaid circumstances the writ petition is disposed of directing the 1st respondent to first dispose of the petitioner's application for recognition as founder trustee/member of the founder family and only thereafter appointment of trustees to the Devasthanam. The respondent shall consider expeditiously

and dispose of the petitioner's application for recognition as founder trustee/member of the founder family and in any case within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

Dated: 12.08.2005 ----------

Pvsn Justice G. Raghuram